

ORDINANCE No. 2006-23-104

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, EXTENDING THE MORATORIUM ON THE PROCESSING OF CLASS C COMMERCIAL SIGNS (BILLBOARDS), INCLUDING BUT NOT LIMITED TO, SITE PLANS, BUILDING, PLUMBING, MECHANICAL AND ELECTRICAL PERMITS, DEVELOPMENT APPLICATIONS AND ORDERS, AND ANY RELATED ACTIONS AND/OR APPROVALS FOR SUCH SIGNS WITHIN THE CITY FOR AN ADDITIONAL NINETY (90) DAY PERIOD; PROVIDING FOR A TERM; PROVIDING FOR EXCEPTIONS; PROVIDING FOR A STUDY(S); PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 8.3 of the Charter, the City of Miami Gardens regulates zoning and land use through the Miami Dade County Zoning Code, and

WHEREAS, on October 18, 2005, the Miami Dade County Commission revised its Zoning Code in a manner that would permit additional billboards to be located in the City of Miami Gardens (Section 33-107. Class C Commercial Signs), and

WHEREAS, the City is in the process of adopting its first Comprehensive Development Master Plan that will provide the basis for the City to develop its own Zoning Code, and

WHEREAS, the City received a Design Institute Report from the Florida Public Officials Design Institute at Abacoa in collaboration with Florida Atlantic University's Center for Urban and Environmental Solutions that outlines future development, design and a general vision for the Palmetto Expressway Corridor, and,

WHEREAS, the City commenced the State Road 7 Livability Study which will consider future development and design of the State Road 7/US Highway 441

commercial and industrial transportation corridor, and,

WHEREAS, the City anticipates receiving a grant in 2006 from the Florida Department of State to define significant architecture and related community design in the City and recommend methods to preserve and enhance same, and,

WHEREAS, the City is concerned that an uncontrolled proliferation of Class C Signs/Billboards within the City would result in a negative visual impact, and,

WHEREAS, after the City's Comprehensive Development Master Plan is adopted, detailed zoning and design code criteria and standards will need to be developed, and

WHEREAS, on June 14, 2006, the City enacted Ordinance 06-12-93 as a temporary, 180-day billboard moratorium, and

WHEREAS, the moratorium will expire approximately December 11, 2006, and

WHEREAS, the City plans to host a workshop on the Moratorium on November 14, 2006, to determine whether an Ordinance to amend the Class C Signs/Billboard regulations, and

WHEREAS, the moratorium should be extended to permit the workshop to take place and to give City staff the opportunity to draft appropriate regulations if deemed necessary by the City Council,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA as follows:

SECTION 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas Clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

SECTION 2. EXTENSION OF MORATORIUM: The moratorium on Class C Signs (Billboards) that was established pursuant to Ordinance 06-12-93, is hereby extended for an additional period of ninety (90) days, from December 11, 2006. The moratorium covers the processing of all site plans, development applications and orders, building, plumbing, electrical and mechanical permits for Class C Signs, subject to the provisions of Section 3 herein. Except as otherwise provided herein, no department of the City shall issue any permits, development orders, or undertake the review and approval of any site plans, building permits, or development plans with respect to such uses within the City, during the term of the moratorium established hereby.

SECTION 3. EXEMPTION: The moratorium established hereby shall not apply to the following:

a) Building, plumbing, mechanical and electrical permits for the repair of lawfully existing Class C Signs (Billboards).

b) The renewal of a previously existing building, plumbing, mechanical or electrical permits for a lawfully existing Class C Signs (Billboards).

SECTION 4: STUDY AND CITY MANAGER: The City Manager is hereby authorized and directed to coordinate with the City's consultants, as well as such other departments of the City, as the City Manager shall deem appropriate to conduct necessary studies of Class C Commercial Signs (Billboards) within the City of Miami Gardens, and to determine the most appropriate geographic area(s) if any for the location of such signs, in light of the City's future re-development plans. The City Manager shall report back to the Mayor and City Council the results of any studies.

SECTION 5: CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

SECTION 6. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by

any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 7. INCLUSION IN CODE: It is the intention of the City Council of the City of Miami Gardens that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miami Gardens and that the sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed; provided, however, that Section 1 hereof or the provisions contemplated thereby shall not be codified.

SECTION 8. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 25th DAY OF OCTOBER 2006.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 13<sup>th</sup> DAY OF DECEMBER, 2006.

ATTEST:

  
SHIRLEY GIBSON, MAYOR

  
RONETTA TAYLOR, CMC, CITY CLERK

SPONSORED BY: DANNY O. CREW, CITY MANAGER

MOVED BY: Vice Mayor Braynon

SECONDED BY: Councilman Bratton

VOTE: 7-0

Mayor Shirley Gibson	<u>x</u> (Yes)	<u>  </u> (No)
Vice Mayor Oscar Braynon, III	<u>x</u> (Yes)	<u>  </u> (No)
Councilman Melvin L. Bratton	<u>x</u> (Yes)	<u>  </u> (No)
Councilman Aaron Campbell, Jr.	<u>x</u> (Yes)	<u>  </u> (No)

Councilman André Williams  
Councilwoman Sharon Pritchett  
Councilwoman Barbara Watson

<u>x</u>	(Yes)	___	(No)
<u>x</u>	(Yes)	___	(No)
<u>x</u>	(Yes)	___	(No)

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# *City of Miami Gardens*

1515 NW 167<sup>th</sup> Street, Bldg. 5, Suite 200  
Miami Gardens, Florida 33169

Mayor Shirley Gibson  
Vice Mayor Oscar Braynon II  
Councilman Melvin L. Bratton  
Councilman Aaron Campbell  
Councilwoman Sharon Pritchett  
Councilwoman Barbara Watson  
Councilman André Williams

## MEMORANDUM

**To: The Honorable Mayor and City Council Members**  
**From: Jay Marder, AICP, Development Services Director**  
**Thru: Dr. Danny O. Crew, City Manager**  
**Date: December 13, 2006**  
**Re: Extend Billboard Moratorium**

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On June 14, 2006, the City enacted Ordinance 06-12-93 as a temporary, 180-day billboard moratorium. Therefore, the moratorium will expire approximately mid-December. The first reading of the extension ordinance was held on October 25, 2006.

**Recommend that the City Council adopt on second reading the billboard moratorium ordinance for a period of 90 days per the attached ordinance.**

Attachment: Ordinance

**I-1) ORDINANCE  
2<sup>ND</sup> READING  
BILLBOARD MORATORIUM**